

Message Text

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PAGE 01 STATE 220974

71

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FM SECSTATE WASHDC

TO AMEMBASSY SINGAPORE

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E.O. 11652: N/A

TAGS: ETRD

SUBJECT: USITC INVESTIGATION INTO POSSIBLE UNFAIR
COMPETITION IN THE IMPORTATION AND SALE OF CERTAIN
EXERCISING DEVICES

1. THE U.S INTERNATIONAL TRADE COMMISSION (USITC) IS
CONDUCTING AN INVESTIGATION IN RESPONSE TO A COMPLAINT
FILED ON BEHALF OF RAINBOW LIFEGARD PRODUCTS, INC., OF
EL MONTE, CALIFORNIA, ALLEGING THAT THE IMPORTATION AND
SALE IN THE UNITED STATES OF CERTAIN EXERCISING DEVICES
CONSTITUTE UNFAIR METHODS OF COMPETITION AND UNFAIR ACTS
WITHIN THE MEANING OF SECTION 337 OF THE TARIFF ACT OF
1930, BY REASON OF SUCH ARTICLES BEING COVERED BY CERTAIN
CLAIMS OF U.S. PATENT NO. 3,743,280. THE COMPLAINANT
REQUESTS THAT THE IMPORTS IN QUESTION BE EXCLUDED FROM
ENTRY INTO THE UNITED STATES.

UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 220974

2. THE EXERCISING DEVICE WHICH IS THE SUBJECT OF THE INVESTIGATION CONSISTS OF (1) A PAIR OF CORDS OF EQUAL LENGTH, EACH CORD BEING CONNECTED TO A HANDLE AT EACH END, AND (2) A SHUTTLE ASSEMBLY GENERALLY OF ELLIPSOIDAL FORM, HAVING A STRAIGHT HOLE THROUGHOUT ITS FULL LENGTH. THE CORDS ARE FREELY SLIDABLE THROUGH THE HOLE. THE DEVICE IS OPERATED BY TWO PERSONS, STANDING SOME DISTANCE APART,

HOLDING THE CORDS STRETCHED TAUTLY BETWEEN THEM AND PROPELLING THE SHUTTLE BACK AND FORTH BY ALTERNATELY RAPIDLY MOVING THE HANDLES APART AND THEN BRINGING THEM BACK TOGETHER.

3. IN THE COURSE OF ITS INVESTIGATION, THE INVESTIGATING TEAM HAS LEARNED THAT CHIELY TOY ENTERPRISES, A-4, GAY WORLD PARK, SINGAPORE, HAS SUPPLIED SAMPLE DEVICES, VIRTUALLY IDENTICAL TO THE COMPLAINED-OF IMPORTS, TO AUTHCO PRODUCTS CO., HOUSTON, TEXAS.

4. THE USITC REQUESTS THE EMBASSY SINGAPORE TO CONTACT CHIELY TOY ENTERPRISES FOR THE PURPOSE OF OBTAINING ANSWERS TO AS MANY OF THE QUESTIONS LISTED BELOW AS POSSIBLE. THE RESPONSES SHOULD BE PROVIDED ON THE FIRM'S LETTERHEAD, AND NOTARIZED IF POSSIBLE. RESPONSES MAY BE TRANSMITTED THROUGH THE EMBASSY OR DIRECTLY TO THE USITC BY AIR MAIL ADDRESSED TO MR. CHARLES SCHILL, INVESTIGATIVE ATTORNEY, U.S. INTERNATIONAL TRADE COMMISSION, 701 E STREET, NW., WASHINGTON, D.C. 20436. ANY OF THE INFORMATION WHICH THE FIRM CONSIDERS TO BE CONFIDENTIAL SHOULD BE SO INDICATED AND WILL BE HANDLED ACCORDINGLY.

5. THE QUESTIONS ARE AS FOLLOWS:

1. WHAT ARE THE NAMES AND ADDRESSES OF COMPANIES IN SINGAPORE THAT MANUFACTURE EXERCISING DEVICES THAT MEET THE DESCRIPTION OF THOSE COVERED BY THE INVESTIGATION?

2. WHICH COMPANY OR COMPANIES SELL THESE DEVICES TO OR THROUGH CHIELY TOY ENTERPRISES?

UNCLASSIFIED

UNCLASSIFIED

PAGE 03 STATE 220974

3. IS THERE A SINGAPORE PATENT COVERING THE SUBJECT EXERCISE DEVICES? IF SO, WHAT ARE ITS NUMBER AND TITLE, AND WHO OWNS THE PATENT?

4. MAKING ALLOWANCE FOR QUOTE DOWN-TIME END QUOTE FOR REPAIRS, MAINTENANCE, ETC., WHAT IS THE ANNUAL AGGREGATE CAPACITY OF ALL PRESENT SINGAPORE PRODUCERS TO MANUFACTURE SUCH DEVICES?

5. IN CALCULATING CAPACITY, WHAT AVERAGE NUMBER OF SHIFTS PER DAY, DAYS PER WEEK, AND WEEKS PER YEAR WORKED, WERE USED?

6. IN EACH OF THE PERIODS JANUARY-JUNE 1975, JANUARY-DECEMBER 1975, AND JANUARY-JUNE 1976, WHAT WERE THE QUANTITY AND F.O.B. SINGAPORE NET SALES VALUE OF THE SUBJECT EXERCISE DEVICES THAT CHIELY TOY ENTERPRISES SOLD

(1) ALL CUSTOMERS, (2) U.S. IMPORTERS, AND (3) IMPORTERS IN OTHER COUNTRIES? (REPORT SEPARATE DATA FOR EACH OF THE THREE GROUPS.)

7. AS OF JUNE 30, 1976, WHAT WERE THE QUANTITY AND F.O.B. SINGAPORE VALUE OF UNFILLED ORDERS ON CHIELY'S BOOKS FOR SUCH EXERCISE DEVICES TO BE EXPORTED TO THE UNITED STATES (INCLUDING PUERTO RICO)?

8. WHAT ARE THE NAMES AND ADDRESSES OF ALL IMPORTERS IN THE UNITED STATES (INCLUDING PUERTO RICO) TO WHOM CHIELY HAS SOLD, OR EXPECTS TO SELL SUCH EXERCISE DEVICES?

9. DOES CHIELY, OR AN AFFILIATED COMPANY, HAVE A SALES OFFICE OR SALES AGENT IN THE UNITED STATES (INCLUDING PUERTO RICO)? IF SO, PLEASE FURNISH THE NAME OF THE MANAGER AND THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE OFFICE OR AGENCY.

6. THE USITC REQUESTS THAT THE RESPONSES BE RETURNED AS SOON AS POSSIBLE BUT NOT LATER THAN SEPTEMBER 24. THE EMBASSY SHOULD CONVEY TO CHIELY THE USITC'S APPRECIATION FOR ITS COOPERATION IN THE CONDUCT OF THIS INVESTIGATION.
UNCLASSIFIED

UNCLASSIFIED

PAGE 04 STATE 220974

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